

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC MESI AND BETTY MESI,

Plaintiffs,

vs.

SELECT PORTFOLIO SERVICING et al.,

Defendants.

3:16-cv-00065-RCJ-WGC

ORDER

This case arises out of a disputed property foreclosure. Defendant Select Portfolio Servicing (“SPS”) moves the Court to strike the Complaint in this case “because it is redundant of the claims raised before this Court in the case designated as Case No. 16-CV-00052.” (Mot., 1, ECF No. 5; *see also id.* at 4–5). However, case number 16-CV-00052 was the number of this case in Nevada State Court before it was removed to this Court. (*See* Compl., 1, ECF No. 1-1). Thus, SPS moves the Court to strike the Complaint in this case because it is redundant with itself, which, of course, is nonsensical. The Court presumes that SPS intends to refer to a different case, but the Court will not speculate as to which case it is. The Court denies the motion but invites SPS, if it wishes, to file a renewed motion that includes the proper case numbers.¹

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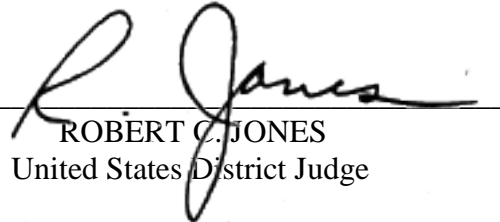
¹ The Court also notes that Rule 12(f) is likely not the proper vehicle for this motion. A motion and analysis under *Adams v. California Dep’t of Health Servs.*, 487 F.3d 684, 688–92 (9th Cir. 2007) (addressing duplicative complaints), might be more appropriate, depending on what SPS wishes to accomplish.

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Strike (ECF No. 5) is DENIED.

IT IS SO ORDERED.

Dated this 23rd day of August, 2016.



ROBERT C. JONES
United States District Judge